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TO RUEHTU/AMEMBASSY TUNIS PRIORITY 3428
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S E C R E T STATE 119647

SIPDIS

E.O. 12958: DECL: 11/19/19
TAGS: PGOV PREL KDRG PHUM IT TS

SUBJECT: INFORMING THE GOT OF THE TRANSFER OF TUNISIAN DETAINEES FROM GUANTANAMO TO ITALY

REF: A) TUNIS 750, B)STATE 67097, C) TUNIS 407

Classified by S/GC Deputy Anthony P. Ricci. Reasons: 1.4 (b) & (d).

1.(U) This is an action request. Please see para 3.

2.(S/NF) The recent conclusion of an arrangement with the Government of Italy regarding the requirements for the transfer of Tunisian nationals Adil Mabrouk bin Hamida (148) and Riyad Nasir Mohamed Ataher (510) to the custody of the GOI paves the way for their transfer to Italy. The transfer is scheduled to take place in the evening on November 30. We expect that Hamida and Atahar will face prosecution for crimes they committed in Italy during their residence there prior to September 2001.

3.(C) ACTION REQUEST: In light of the interest expressed by the GOT to receive their nationals for prosecution (reftel), Department requests Post notify the GOT of the transfer of Hamida and Atahar at the time of their arrival in Italy or soon after (exact timing of the arrival will be transmitted as we approach November 30). Post may draw from the language provided below for use in whatever approach to the GOT that Post deems the most appropriate. The points include the Department response to two diplomatic notes sent by the Tunisian Embassy to the Department requesting the return of Tunisian nationals Hichem ben Ali ben Amor Selliti and Adel ben Ahmed ben Brahim Hakimi to Tunisia for the purpose of enforcement of three criminal judgments related to terrorism activities.

(Begin points)

--Adil Mabrouk bin Hamida and Riyad Nasir Mohamed Atahar were transferred from Guantanamo Bay Detention Facility to the custody of the Government of Italy on November 30. They will likely face prosecution for crimes committed when they resided in Italy prior to September 2001.

--The United States would like to acknowledge receipt of diplomatic notes number 330 and 331 dated September 14, 2009 received from the Embassy of Tunisia in Washington requesting the return to Tunisia of Hichem ben Ali ben Amor Selliti and Adel ben Ahmed ben Brahim Hakimi for the purpose of enforcement of three criminal judgments related to terrorism activities.

(End points)
CLINTON